



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

MR. BILLY G. HOOVER,
Petitioner,

vs.

DIRECTOR, ALVIN S. GLENN DETENTION
CENTER,
Respondent,

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Civil Action No. 0:22-cv-04498-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THE PETITION WITHOUT PREJUDICE**

Petitioner Mr. Billy G. Hoover (Hoover), proceeding pro se, filed a petition for writ of habeas corpus (Hoover's Petition) under 28 U.S.C. § 2254.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court dismiss Hoover's Petition without prejudice and without requiring Respondent Director Alvin S. Glenn Detention Center (Director) to file a return. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 30, 2023. Hoover objected on February 8, 2023.

In Hoover's Petition, he asks the Court to "force the state to provide a prompt trial" in his state court criminal case. Hoover's Petition at 4. It appears, however, that on March 3, 2023, Hoover pled guilty to his state court charges. *See State v. Hoover*, 2018A4021602089 (Richland Cnty. Gen. Sessions March 3, 2023) (listing the disposition of the case as "Pled Guilty").

Because he has pled guilty, a trial is now unnecessary in his case. Accordingly, the relief Hoover seeks is moot.

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report to the extent it does not contradict this order and incorporates it herein. Therefore, it is the judgment of the Court Hoover's Petition is **DISMISSED WITHOUT PREJUDICE** and without requiring Director to file a return.

To the extent Hoover seeks a certificate of appealability, that request is **DENIED**.

IT IS SO ORDERED.

Signed this 3rd day of April 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.